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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,609	03/03/2004	Jonathan Peeri		2697

7590 12/17/2004  
Mr. Jonathan Peeri  
7050 Middlesbury Ridge Circle  
West Hills, CA 91307

EXAMINER

HASAN, MOHAMMED A

ART UNIT PAPER NUMBER

2873

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/791,609

Applicant(s)

PERRI, JONATHAN

Examiner

Mohammed Hasan

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/3/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. Oath and declaration filed on 3/3/2004 is accepted.

### ***Information Disclosure Statement***

2. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 3/3/2004 have all been considered and made of record (note the attached copy of form PTO – 1449).

### ***Drawings***

3. Figures 1a, 1b, and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The abstract of the disclosure is objected to because “ Abstract” should be one paragraph. Correction is required. See MPEP § 608.01(b).

Claims 1,2, 3, 4, 6, 7 and 9 are objected to because they donot follow the proper format for a properly written claim. Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See MPEP 608.01 (m).

Claim 1, line 4, after light modulating device should be semicolon (;); line 7, after enhanced image should be semicolon (;); line 8, after the word magnification should be semicolon (;).

Claim 2, line 4, after phrase surface Implemented Optics Technology should be semicolon (;); line 5, after diffractive optics should be semicolon (;); line 6, after Binary optics should be semicolon (;); line 7, after Conventional Optics should be semicolon (;); line 8, after Optical film array should be semicolon (;); line 9, after Holographic Optics should be semicolon (;).

Claim 3, line 4, after reflective should be semicolon (;); line 5, after Transmissive should be semicolon (;); line 6, after Polarizing should be semicolon (;); line 7, after Rotating should be semicolon (;); line 8, after Directing should be semicolon (;); line 9, after Phase Shifting should be semicolon (;).

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Claim 4, line 3, after image should be semicolon (;).

Claim 6, line 4, after light sensitive element should be (; and).

Claim 7, line 3, after the word Reflective should be semicolon (;); line 4, after Transmissive should be semicolon (;); line 5, after Polarizing should be semicolon (;); line 6, after Rotating should be semicolon (;); line 7, after Directing should be semicolon (;); line 8, after Phase Shifting should be semicolon (;).

Claim 9, line 5, after intensities should be semicolon (;).

Appropriate correction is required.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities: " steps like" is not mentioning which step. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,3, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which applicant regards as the invention.

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Regarding claims 2,3, and 7, the phrase "such as " renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claim invention. See MPEP 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 9 are rejected under 35 U.S.C 102 (e) as being anticipated by Kurematsu (6,650,460 B2).

Regarding claim 1, Kurematsu discloses (refer to figures 1 and 2) a method of enhancing visibility at various light conditions (i.e., 1R, 1G, 1B) comprising steps like: focusing the desired object or view (source image) on a light modulating device (AMA 3) ; modulating the light of the focused image (object) by a system like a Light Control Panel (LCP) (4), such that desired image elements can have different intensities thus generating an enhanced image; and projecting the enhanced image with the magnification (column 4, lines 19 – 27, lines 66 – 67, column 5, lines 1 – 5).

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Regarding claim 2, Kurematsu discloses, optics may comprise an optical array based on any optical technology as optical film array (AMA 3) (column 5, line 7).

Regarding claim 3, Kurematsu discloses, wherein the light modulating system comprise a light control panel (LCP) based on any pixelated light modulating technology as reflective (column 6, lines 30 – 39).

Regarding claim 4, Kurematsu discloses, where the source image is collimated (20) and manipulated such that the enhanced image appears to be originated from the source image; and whereby light and enhanced image can be of any frequency range in the spectrum (column 5, line 44).

Regarding claim 5, Kurematsu discloses, where the same device used for focusing the desired object can be used for projecting and collimating enhanced image (as shown in figure 2).

Regarding claim 6, Kurematsu discloses, a light control panel (LCP) comprising light modulator material, pixel electrodes, light sensitive elements and associated pixel control mechanism to produce image, where the optical characteristics of any pixel of image may be controlled by the light sensitive element; and whereby the light modulating material and light sensitive elements can be used at any frequency band in the spectrum (column 6 , lines 10 – 47).

Regarding claim 7, Kurematsu discloses, where the light controlled panel is based on any pixilated light modulating technology as reflective (as shown in figure 2).

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Regarding claim 8, Kurematsu discloses, where the control mechanism may control the magnitude of the light modulation of the entire LCP in addition to controlling image pixels by the light sensitive element (column 6, lines 10 – 47).

Regarding claim 9, Kurematsu discloses, a device like a Light Control Panel (LCP) in the light path of a system at a location where an image or a sub-image is created, such that desired image or sub image elements can have different intensities and whereby the method can be implemented for any frequency range in the electromagnetic spectrum (as shown in figure 2).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art

Simon (6,791,732 B2) discloses, the system and methods for altering the propagation of an optical signal within optical media.

Harel et al (6,549,692 B1) discloses, an optical monitoring of the angular position of micromirrors in an optical switch.

Helky (6,578,974 B2) discloses, micromachined apparatus for improved reflection of light.

Schofield (5,550,677) discloses, automatic rearview mirror system using a photosensor array.



**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH  
December 3, 2004

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800